

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2838 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

SHAH PATEL AND COMPANY

Versus

ARVINDBHAI P SHAH

Appearance:

MR SANDIP C SHAH for Petitioners

MR HARSHAD J SHAH for Respondent No. 1

CORAM : MR.JUSTICE S.D.SHAH

Date of decision: 26/06/96

ORAL JUDGEMENT

1. Rule. Mr.Sandeep Shah appears and waives service of rule on behalf of respondent. Rasikbhai Shah, Partner of the petitioner-Co. is present in the court and respondent is also present in the court. With the consent of parties matter is heard and finally decided today.

2. The employers are the petitioners who are aggrieved by the order passed by the 7th Labour Court in Reference Application No.2361/89 dated 7.12.1993 as well as the order passed on Misc.Application No.37/94, dated 16.11.1995. By the last order the labour court has rejected the miscellaneous application for setting aside the exparte award and for restoring the application to file.

3. For the purpose of this proceeding there is LCA No.1278/90 pending in the Labour Court No.5 at Ahmedabad which is filed by the respondent-workman for setting aside the termination and backwages. Third proceeding is by way of Application No.436/89 before the Payment of Wages authority which is also filed by the respondent-workman.

4. At the hearing of this petition, Mr.Sandeep C.Shah appearing for petitioner-employer has submitted to the court that the petitioners have already deposited an amount of Rs.40,000/- in the Labour Court at Ahmedabad. In the course of hearing it was urged before the court that there were talks of settlement between the parties and this court is happy to note that with its intervention today in the presence of respective parties as well as their advocates following settlement is reached between the parties:

(i) The petitioners(employers) shall pay total amount of Rs.1,60,000/- to the respondent-workman in full and final settlement of his claims including the claims of two aforesaid pending cases.

(ii) It is agreed between the employer and the workman that the workman shall be at liberty to withdraw the amount of Rs.40,000/- which is deposited before the Mamalatdar (Recoveries) and the Mamalatdar (Recoveries) is directed to pay Rs.40,000/- to the respondent-workman, namely, Arvind P.Shah by A/C payee cheque within one week from the date of production of this order before him.

(iii) It is agreed by the employer that they shall deposit the balance amount of Rs.1,20,000/- in this court within three weeks from today by A/C Payee cheque/Demand Draft in favour of the Registrar, Gujarat High Court, Ahmedabad. After the aforesaid amount is deposited in this court, the Registrar is directed to pay the said amount of Rs.1,20,000/- by A/C payee cheque in favour of respondent-Arvindbhai P.Shah.

(iv) It is agreed by the respondent and he is directed to withdraw the LAC No.1278/90 from the labour court and application No.436/89 pending before the Payment of Wages authority and on or before withdrawing the amount from this court and proof thereof shall be shown to the advocate appearing for the petitioner.

5. In view of the aforesaid, present petition succeeds to the aforesaid extent. Rule is made absolute to the aforesaid extent in terms of compromise reached between the parties which is recorded above. No costs.

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